

APPEAL NO. 030949
FILED JUNE 11, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 13, 2003. The hearing officer resolved the disputed issue by deciding that the appellant (claimant) did not sustain a compensable injury in the form of an occupational disease with a date of _____. The claimant appeals this determination on sufficiency of the evidence grounds.

DECISION

A timely appeal not having been filed, the decision and order of the hearing officer have become final pursuant to Section 410.169.

Records of the Texas Workers' Compensation Commission (Commission) show that the hearing officer's decision was distributed on March 20, 2003. Under Tex W.C. Comm'n, 28 TEX. ADMIN CODE § 102.5(d) (Rule 102.5(d)), as amended effective August 29, 1999, unless the great weight of evidence indicates otherwise, the claimant is deemed to have received the hearing officer's decision five days after it was mailed, in this case deemed receipt is March 25, 2003. Rule 143.3(c) provides that an appeal is presumed to be timely filed if it is mailed not later than the 15th day after the date of receipt of the hearing officer's decision and received by the Commission not later than the 20th day after the date of receipt of the hearing officer's decision. Section 410.202 was amended effective June 17, 2001, to exclude Saturdays, Sundays, and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods. The claimant had 15 days from March 25, 2003, or until April 15, 2003, to mail her request for review to the Commission. A copy of the claimant's appeal was sent to the Commission by mail postmarked April 17, which was received on April 22, 2003. The appeal is untimely because it was mailed after the 15-day deadline.

The appeal being untimely, the jurisdiction of the Appeals Panel was not properly invoked, and the decision and order of the hearing officer have become final under Section 410.169.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**SA
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Margaret L. Turner
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Gary L. Kilgore
Appeals Judge